

05 AUG 2004

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In re Application of : DECISION ON RENEWED
Contreras et al :
Application No.: 09/763,011 :
PCT No.: PCT/EP99/05991 : PETITION UNDER
Int. Filing Date: 16 August 1999 :
Priority Date: 14 August 1998 :
Attorney's Docket No.: JAB-1415 :
For: DRUG TARGETS IN CANDIDA ALBICANS : 37 CFR 1.137(b)

This decision is in response to applicants' "Response to decision on petition under 37 CFR 1.137(b)," which is being treated a renewed petition under 37 CFR 1.137(b) filed on 09 June 2004.

BACKGROUND

In a decision from this Office on 13 February 2004, the petition filed on 31 July 2003 was dismissed because the reply was not proper since the computer readable form the Sequence Listing was damaged.

On 09 June 2004, petitioners filed a paper and another computer readable form of the Sequence Listing for this application.

DISCUSSION

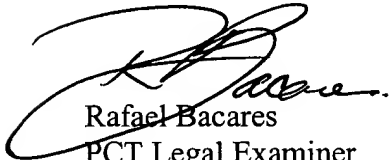
A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting a substitute paper and computer readable form the Sequence Listing, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2) and (c)(4) date of this application is **14 February 2001**.



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